

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FILED/ACCEPTED

JAN 19 2012

Federal Communications Commission
Office of the Secretary

In the Matter of)	
)	
MARITIME COMMUNICATIONS/LAND	)	EB Docket No. 11-71
MOBILE, LLC	)	File No. EB-09-IH-1751
	)	FRN: 0013587779
Participant in Auction No. 61 and Licensee of)	
Various Authorizations in the Wireless Radio	)	Application File Nos. 0004030479,
Services	)	0004144435, 0004193028,
	)	0004193328, 0004354053,
Applicant with ENCANA OIL AND GAS (USA),	)	0004309872, 0004310060,
INC.; DUQUESNE LIGHT COMPANY; DCP	)	0004314903, 0004315013,
MIDSTREAM, LP; JACKSON COUNTY	)	0004430505, 0004417199,
RURAL MEMBERSHIP ELECTRIC	)	0004419431, 0004422320,
COOPERATIVE; PUGET SOUND ENERGY,	)	0004422329, 0004507921,
INC.; ENBRIDGE ENERGY COMPANY, INC.;	)	0004153701, 0004526264,
INTERSTATE POWER AND LIGHT	)	0004636537, and 0004604962
COMPANY; WISCONSIN POWER AND)	
LIGHT COMPANY; DIXIE ELECTRIC)	
MEMBERSHIP CORPORATION, INC.;)	
ATLAS PIPELINE – MID CONTINENT, LLC)	
DENTON COUNTY ELECTRIC)	
COOPERATIVE, INC., DBA COSERV)	
ELECTRIC; AND SOUTHERN CALIFORNIA)	
REGIONAL RAIL AUTHORITY)	
)	
For Commission Consent to the Assignment of)	
Various Authorizations in the Wireless Radio)	
Services)	

To: Marlene H. Dortch, Secretary
Attention: Chief Administrative Law Judge Richard L. Sippel

SUPPLEMENT TO EMERGENCY MOTION FOR WITHDRAWAL AS COUNSEL

Drinker Biddle & Reath LLP ("Drinker") hereby supplements its Emergency Motion for Withdrawal as Counsel submitted on January 13, 2012 (the "Motion"). In the Motion, Drinker requested that the Presiding Judge issue an order authorizing Drinker to withdraw as counsel of record for Warren C. Havens, Environmental LLC, Intelligent Transportation and Monitoring

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Wireless LLC, Skybridge Spectrum Foundation, Telesaurus Holdings GB LLC, Verde Systems LLC, and V2G LLC (collectively, “SkyTel”), in the above-captioned proceeding.

On January 17, 2012, Maritime Communications/Land Mobile, LLC (“Maritime”) submitted its Opposition to Emergency Motion to Withdraw (“Maritime Opposition”). Maritime stated that “[Drinker] offers no substantive basis for the request to withdraw,” and states that the legal basis for the Motion is ambiguous. In the Motion, Drinker did not provide the factual basis for its assertion that its withdrawal was required under Rule 1.7 of the District of Columbia Rules of Professional Conduct (“D.C. Rules”). Drinker did not provide more information because it was concerned that it not disclose information protected by the lawyer’s obligation of confidentiality under Rule 1.6 of the D.C. Rules.

Nevertheless, particularly in light of the confusion shown in the Maritime Opposition, Drinker here clarifies that the conflict referred to is not a conflict of interest between SkyTel and another Drinker client. Drinker can disclose that the conflict is between SkyTel and Drinker itself, and that the nature of this conflict makes it impossible for Drinker to continue to represent SkyTel and requires immediate termination of Drinker’s representation. Given consideration for concerns regarding client confidentiality, Drinker will not provide further details in a public filing at this time.¹ However, Drinker seeks an immediate ruling on its Motion.

Additionally, because Maritime stated its view that there was ambiguity with respect to the particular section(s) of the D.C. Rules pursuant to which Drinker seeks to withdraw, and to avoid any further possible confusion, Drinker clarifies that it seeks to withdraw pursuant to Rules 1.7 and 1.16(a)(1) of the D.C. Rules.

¹ In the event the Presiding Judge requires further information before ruling on the Motion, Drinker is willing to provide additional information to the Presiding Judge on an *ex parte* or *in camera* basis if that is deemed necessary.

Maritime also states that it is concerned that Drinker's withdrawal will "introduce further delay and complications." There are two problems with this statement. First, as the Presiding Judge is well aware, Maritime itself repeatedly has requested extensions of time in this matter under circumstances which the Presiding Judge has stated amount to an incipient abuse of process.² It is preposterous for Maritime to suggest that it would be prejudiced by the Presiding Judge affording SkyTel any reasonable accommodation in scheduling to address these circumstances. Second, the only imminent matter in this hearing proceeding is a status conference the Presiding Judge has scheduled for January 25, 2012, at which Maritime is to present information on the status of its bankruptcy proceeding and the findings of the bankruptcy court.

In the event that SkyTel is unable to secure replacement counsel by that time, Drinker will, if instructed to do so by SkyTel, attend this status conference on SkyTel's behalf. In the event that other urgent matters arise in this hearing proceeding, Drinker will, if it is still counsel of record and if it is requested by SkyTel, request an extension of time to allow SkyTel to find replacement counsel. At this time, however, Maritime's concerns over the potential for delay are wholly speculative and should be given no weight.

Drinker will comply with SkyTel's written instructions for the transfer of SkyTel's files to SkyTel or to successor counsel, and will provide reasonable assistance in transitioning this matter to other counsel as determined by SkyTel. Further, to aid SkyTel's transition, Drinker respectfully requests that the Presiding Judge instruct the parties to serve SkyTel directly (in

² See *Maritime Communications/Land Mobile, LLC*, Memorandum Opinion and Order, EB Docket No. 11-71, FCC 11M-33, ¶ 7 (ALJ Nov. 8, 2011) ("Maritime's repeated tardiness followed by the requests for more time based on questionable justifications, approaches the line of an abuse of the Commission's process and rules of practice, to the detriment of the numerous parties involved in this case, the Presiding Judge and the OALJ.")

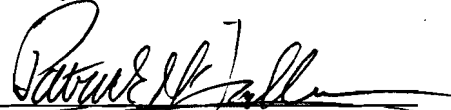
addition to serving Drinker) on any further pleadings or submissions in this matter at the following address:

Warren C. Havens
2509 Stuart Street
Berkeley, CA 94704

The parties should serve electronic courtesy copies on SkyTel care of Mr. Havens at the following e-mail address: warren.havens@sbcglobal.net, with a copy to Mr. Jimmy Stobaugh at: jstobaugh@telesaurus.com.

For the foregoing reasons, Drinker renews its request that the Presiding Judge immediately issue an order authorizing Drinker to withdraw as counsel of record for SkyTel in the above-captioned proceeding.

Respectfully Submitted,

By: 

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January 19, 2012

CERTIFICATE OF SERVICE

I, Patrick R. McFadden, herby certify that on this 19th day of January, 2012, a true copy of this Supplement was served via first class, postage paid United States Mail upon the following:

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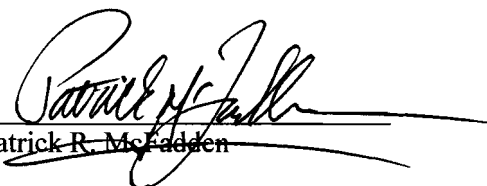
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